

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Kenneth Shelton	Team: Squad #2	CCRB Case #: 201903280	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sat, 04/06/2019 10:00 PM	Location of Incident: New Lots Avenue and Sheffield Avenue	Precinct: 75	18 Mo. SOL 10/06/2020	EO SOL 5/23/2021	
Date/Time CV Reported Sat, 04/06/2019 10:56 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 04/16/2019 11:15 AM		

Complainant/Victim	Type	Home Address
1. T [REDACTED] C [REDACTED]	Comp/Witness	[REDACTED] Brooklyn NY 11207
2. Individuals	Victim	Unknown
3. An individual	Victim	Unknown

Subject Officer(s)	Shield	TaxID	Command
1. POM K [REDACTED] M [REDACTED]	[REDACTED]	[REDACTED]	075 PCT
2. POM Sean Keegan	12338	954994	075 PCT
3. SGT A [REDACTED] R [REDACTED]	[REDACTED]	[REDACTED]	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A . POM K [REDACTED] M [REDACTED]	Abuse of Authority: Police Officer K [REDACTED] M [REDACTED] stopped Individuals.	A . Unsubstantiated
B . POM Sean Keegan	Abuse of Authority: Police Officer Sean Keegan stopped individuals.	B . Unsubstantiated
C . SGT A [REDACTED] R [REDACTED]	Abuse of Authority: Sergeant A [REDACTED] R [REDACTED] stopped individuals.	C . Unsubstantiated
D . POM K [REDACTED] M [REDACTED]	Abuse of Authority: Police Officer K [REDACTED] M [REDACTED] frisked individuals.	D . Unsubstantiated
E . POM K [REDACTED] M [REDACTED]	Force: Police Officer K [REDACTED] M [REDACTED] used physical force against an individual.	E . Unsubstantiated
F . POM K [REDACTED] M [REDACTED]	Other: Police Officer K [REDACTED] M [REDACTED] failed to prepare a memo book entry as required.	F . Other Misconduct
G . SGT A [REDACTED] R [REDACTED]	Other: Sergeant A [REDACTED] R [REDACTED] failed to prepare a memo book entry as required.	G . Other Misconduct
H . POM Sean Keegan	Other: Police Officer Sean Keegan failed to prepare a memo book entry as required.	H . Other Misconduct

Case Summary

On April 6, 2019, T■■■■ G■■■■ C■■■■ called IAB and filed this complaint. It was forwarded to the CCRB and received on April 14, 2019.

On April 6, 2019, at approximately 10:00 p.m., Ms. C■■■■ was walking at New Lots Avenue and Sheffield Avenue in Brooklyn when she observed Sergeant A■■■■ R■■■■ Police Officer K■■■■ M■■■■ and Police Officer Sean Keegan of the 75th Precinct interacting with a group of four or five male teenagers, who appeared to have been stopped (**Allegation A, B, C: Abuse of Authority - Stop, Unsubstantiated**). Police Officer M■■■■ allegedly frisked each of the males (**Allegation D: Abuse of Authority: Frisk, Unsubstantiated**). Police Officer M■■■■ allegedly pushed one of the males into a metal gate and then twisted the male's wrist and pressed it against the gate. (**Allegation E: Force – Physical Force, Unsubstantiated**). No arrests or summonses were made or issued during this incident. None of the officers prepared memo book entries as required (**Allegations F, G, and H – Other Misconduct**).

Body-worn camera (BWC) video footage from the BWCs of Sergeant R■■■■ Police Officer M■■■■ and Police Officer Keegan was received. The videos are located in IAs #92 to 94 (BR 06-BR08) and summarized in IAs #97 (BR 09).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer K■■■■ M■■■■ stopped individuals.

Allegation (B) Abuse of Authority: Police Officer Sean Keegan stopped individuals.

Allegation (C) Abuse of Authority: Sergeant A■■■■ R■■■■ stopped individuals.

Allegation (D) Abuse of Authority: Police Officer K■■■■ M■■■■ frisked individuals.

Allegation (E) Force: Police Officer K■■■■ M■■■■ used physical force against an individual.

On May 10, 2019, T■■■■ G■■■■ -C■■■■ was interviewed at the CCRB (BR 02). On November 15, 2019, Police Officer K■■■■ M■■■■ was interviewed at the CCRB (BR 03). On January 2, 2020, Sergeant A■■■■ R■■■■ and Police Officer Sean Keegan were interviewed at the CCRB (BR 04 and BR 05).

Ms. C■■■■ stated that she was walking home on New Lots Avenue in Brooklyn when she observed approximately four to five males, whom she did not know, stopped by three plainclothes officers. Police Officer M■■■■ patted down each of the males' pants pockets and questioned each of them in succession. Ms. C■■■■ did not see Police Officer M■■■■ enter any of the males' pockets and did not hear what questions Police Officer M■■■■ asked them. Police Officer M■■■■ pushed the last of the males against a gate and bent his right wrist back against the gate, approximately two to three times. Police Officer M■■■■ then let go of the male's hand and the male walked away. Ms. C■■■■ asked Police Officer M■■■■ for his name and Precinct, which he provided as "M■■■■ and the 75th Precinct. The officers then entered their vehicle and left.

Ms. M■■■■ did not know any of the males whom she observed interacting with the officers and the investigation was unable to identify and contact them.

Police Officer M■■■■ had no recollection of the incident, denied the committing the allegations, and did not recognize a photo of Ms. C■■■■

Police Officer Keegan stated that he, Police Officer M■■■■ and Sergeant R■■■■ were patrolling in the vicinity of New Lots Avenue near Sheffield Avenue in Brooklyn when they observed a group of three individuals on the sidewalk on the south side of New Lots Avenue. After making eye contact with the officers, the individuals appeared to change directions and

used cars parked beside the sidewalk to avoid the officers. The officers continued to observe the individuals but could not see what they were doing and slowed their car down to get a better view. The individuals stayed behind cars as if to prevent the officers from seeing them. The officers observed the three individuals for less than a minute.

When the officers slowed down, one individual in particular stepped behind a vehicle and appeared to be trying to hide his waist area from the officers using the vehicle. The officers pulled up to speak to the individuals, and this individual stepped back and reached for the rear of his waistband. Police Officer Keegan asked the individual if he could see his hands. The individual verbally and physically refused and was “irate.” Police Officer Keegan then said something like, “Take your hands out of your pockets,” or, “Stop reaching for your pockets.” The individual continued to refuse, and stated that he would hurt, violate or fight Police Officer Keegan. Police Officer Keegan then grabbed the individual’s hands and removed them from his pockets/waistband area, since the individual was not listening to him. Police Officer Keegan frisked the area that the individual had been reaching towards for approximately ten seconds and found nothing. Police Officer Keegan tried to explain the reason why he had had to remove the individual’s hands from behind his back, but the individual remained combative. Police Officer Keegan informed the individual that if he did not want an explanation, he was free to leave, and the individual walked away. Police Officer Keegan spoke to the two other males who were present on the corner. These other two males apologized for the behavior of the first male (the one who had been frisked). Police Officer Keegan did not recall anyone else being in the vicinity at the time of the incident. Police Officer Keegan, Sgt. R [REDACTED] and Police Officer M [REDACTED] left at some point afterwards.

Police Officer Keegan did not recognize a photograph of Ms. C [REDACTED] and did not have any recollection of the incident described by Ms. C [REDACTED]. Police Officer Keegan denied witnessing the allegations made against Police Officer M [REDACTED] by Ms. C [REDACTED].

Sergeant R [REDACTED] CCRB interview was generally consistent with Police Officer Keegan’s interview. Sergeant R [REDACTED] denied witnessing the allegations made against Police Officer M [REDACTED] by Ms. C [REDACTED].

The BWC footage obtained from Police Officer M [REDACTED], Sergeant R [REDACTED] and Police Officer Keegan’s BWCs in response to a request for all footage covering the incident time and location reported by Ms. C [REDACTED] captured an incident consistent with the incident date and time reported by Ms. C [REDACTED] but depict an incident vastly different from that described by either Ms. C [REDACTED] or Sgt. R [REDACTED] and Police Officer Keegan (It shows a vehicle stop in which the two occupants of the vehicle never exit the car and no civilians are frisked).

In sum, the officers did not recall the exact incident described by Ms. C [REDACTED] and the closest incident recalled by Police Officer Keegan and Sergeant R [REDACTED] did not match the unique details of the incident about which Ms. C [REDACTED] complained. Furthermore, the incident captured by the BWCs of the subject officers at the incident time did not match the details of either the incident described by Ms. C [REDACTED] or the one described by the officers. Without any victim statements or documentary evidence, the investigation was unable to determine, by a preponderance of evidence, whether Police Officer M [REDACTED], Police Officer Keegan, and Sergeant R [REDACTED] committed the misconduct alleged by Ms. C [REDACTED]. It is therefore recommended that **Allegation A, B, C, D and E be Unsubstantiated.**

Allegation (F) Other Misconduct: Police Officer K [REDACTED] M [REDACTED] failed to prepare a memo book entry as required.

Allegation (G) Other Misconduct: Police Officer Sean Keegan failed to prepare a memo book entry as required.

Allegation (H) Other Misconduct: Sergeant A [REDACTED] R [REDACTED] failed to prepare a memo book entry as required.

Police Officer Keegan and Sergeant R [REDACTED] both acknowledged that they did not prepare memo book entries regarding the incident they described. Police Officer M [REDACTED] who was with them on the incident date but did not recall any incidents, did not do so either. None of the 3 officers made any specific memo books entries beyond their assignments and the beginning and ends of their tour (BR 12, 13, 14).

NYPD Patrol Guide Procedure 212-08 requires all uniformed officers below the rank of captain and not assigned to permanent and administrative duties to record entries in their activity logs regarding their assignments, actions, and tasks performed (BR 10).

While there is uncertainty about whether Sergeant R [REDACTED] Police Officer M [REDACTED] or Police Officer Keegan committed the misconduct alleged by Ms. C [REDACTED] what is certain, between the account of Ms. C [REDACTED] the accounts of Sergeant R [REDACTED] and Police Officer Keegan, and the BWC Footage, is that on the incident date in question, all three officers were involved in law-enforcement actions that would have required memo book entries but about which no entries were made.

Given that Police Officer Keegan, Police Officer M [REDACTED] and Sergeant R [REDACTED] all failed to comply with the Patrol Guide Procedure 212-08, it is recommended that they be cited for **Other Misconduct**.

Civilian and Officer CCRB Histories

- [REDACTED]
- [REDACTED]
 - [REDACTED]
- [REDACTED]
 - [REDACTED]
- [REDACTED]
 - [REDACTED]
- Police Officer Sean Keegan has been a member of service for six years and has been a subject in 12 CCRB cases and 23 allegations, two of which were substantiated in one case:
 - Case number 201708175 involved substantiated allegations of physical force and a stop. The Board recommended charges.
- [REDACTED]
 - [REDACTED]

■ [REDACTED]
[REDACTED]
[REDACTED]

Mediation, Civil and Criminal Histories

- [REDACTED]
- A Notice of Claim inquiry was submitted to the New York City Office of the Comptroller on February 27, 2020. The results will be added to the case file upon receipt.
- [REDACTED]
[REDACTED]

Squad No.: 2

Investigator: _____
 Signature Print Title & Name Date

Squad Leader: _____
 Signature Print Title & Name Date

Reviewer: _____
 Signature Print Title & Name Date